IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.993 OF 2006
IN
SUMMARY SUIT NO.80 OF 2006

M/s. Hindustan Electric & Engineering Works. ..Plaintiff.

V/s.

Ramji Electrical Engineers Pvt.Ltd. ..Defendant.

Mr.Ramesh Dharia for plaintiff.

Mr.S.K.Chaurasia for Defendant.

CORAM: A.M.KHANWILKAR,J

DATE : MARCH 30, 2007.

P.C. :

1. Heard counsel for the parties.

2. It is brought to my notice that exparte decree was already passed on 14th March, 2006 against the defendant. Thereafter, the defendant took out Notice of Motion for condoning delay in filing appearance and reply which was disposed of by order dated 29th November, 2006, whereunder the defendant was required to comply with direction to pay sum of Rs.75,000/- to plaintiff within four weeks. However, that condition has not been complied with. Counsel for the defendants submits that he has no instruction in that behalf.

3. There is no reason to doubt correctness of the statement made by the counsel for the plaintiff across the bar. For this reason, question of entertaining present application for condonation of delay in filing Vakalatnama will have to be turned down. Hence, rejected.

4. It is made clear that in the event, the defendant is able to substantiate that payment has already been made to the plaintiff within time in terms of order passed on Notice of Motion, the Court may consider of recalling this order and decide the chamber summons afresh.